IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 21st day of September, 2006
Crl. Bail Application No. 856 of 2006

Order on the Bail Application:
CRIMINAL SIDE

Mohan Singh S/o Gulab Singh
R/o Village Karmi, Patwari Kshetra Karmi,
Tehsil Kapkot, Distt. Bageshwar.

…….. Applicant

Versus

State of Uttaranchal ….. Opposite Party

Arising out of Crime No. 02 of 2006
Under Sections: 302 /201 of I.P.C.
Police Station: Patwari Kshetra Karmi
District: Bageshwar.

Hon'ble Prafulla C. Pant, J.

Heard Mrs. Pushpa Joshi, learned counsel for the applicant and Mr. Amit Bhatt, learned A.G.A. for the State.

Applicant Mohan Singh, who is in jail in connection with crime No. 02 of 2006, relating to offences punishable under Section 302, 201 of I.P.C., Patwari Kshetra Karmi, District Bageshwar, has sought his release on bail.

Applicant is not named in the F.I.R. It is alleged in the report that Umrao Singh (deceased) was missing since 15.06.2006 and his dead body is found on 26.06.2006 in cowshed of one Chandra Singh. The report with the Patwari is lodged on 27.06.2006. It is not clear why the report was not lodged regarding missing of the deceased between 15.06.2006 to 26.06.2006. On perusal of the postmortem examination report no ante mortem report was found recorded, though, cause of death is shown to be due to ante mortem injury.

Learned A.G.A. points out that one Devendra Singh in his statement has stated that he saw applicant causing injuries on the person of the deceased with a stone. Column No. 6 of the postmortem shows that there were amputation of neck and absence of legs from knee joint.

Without expressing any opinion as to the final merits of the case, in the above circumstances, applicant deserves bail.

Let the applicant be released on bail on his executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of the Chief Judicial Magistrate, Bageshwar.

(Prafulla C. Pant, J.)

Dt. 21.09.2006
H. Negi